

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

RICHARD W. DAVIS, JR.,

Defendant,

and

DCG REAL ASSETS, LLC, *et al.*,

Relief Defendants.

CASE NO. 3:16-CV-285

**ORDER ON RECEIVER'S MOTION
FOR ORDER AUTHORIZING PARTIAL
DISTRIBUTION**

This matter came before the Court on the *Receiver's Motion for Order Authorizing Partial Distribution* filed on December 14, 2018 by A. Cotten Wright, the receiver in this case (the "Receiver"), through counsel. (Doc. No. 232). It appears that notice of the Motion was proper. No objections were filed with the Court before the deadline for responses to the Motion.

In the Motion, the Receiver requested authority to distribute \$700,000.00, *pro rata*, to the holders of allowed claims as of the date of distribution, which the Receiver proposed would be within three (3) days of entry of an Order on the Motion (the "Partial Distribution"). The Receiver calculated that the Partial Distribution would result in a distribution of approximately 4.12% on each allowed claim.

On December 27, 2018, the Receiver received by email a letter from an investor arguing that distributions should be weighted in favor of older claimants who had invested in the Receivership Defendants early on. That letter was docketed in this case on January 7, 2018 (Doc. No. 235). It appears that the investor's argument relates to the distribution method, which was

approved pursuant to an Order entered on November 16, 2018. (Doc. No. 229). Accordingly, to the extent that the letter was intended as an objection to the Motion, such objection is overruled.

The Court has reviewed the Motion and determined that it reflects the best interests of the holders of allowed claims in this case and, for that reason, should be allowed.

IT IS, THEREFORE, ORDERED that:

- 1) The Motion is GRANTED;
- 2) The Receiver is authorized to make the Partial Distribution of \$700,000.00, pro rata, to the holders of allowed claims in this case; and
- 3) The Receiver shall make such Partial Distribution within three (3) days of entry of this Order.

SO ORDERED.

Signed: January 10, 2019

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

